IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24914 of 2005

Between:

S.Sulthan Saheb

..... PETITIONER

AND

Sub Inspector of Police,

I Town Police Station, Kurnool and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents 1 and 2 in interfering with the civil dispute between the petitioner and respondents 3 to 5 in relation to the petitioner's land in Sy.No.26/3 situated at Pasupula village, Kurnool Mandal by fraudulently calling the petitioner to the police station, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner entered into an agreement of sale with the respondents 3 to 5 to sell his property for a sum of Rs.23,40,900/- and received a sum of Rs.1,50,000/- as advance and the remaining balance amount of Rs.21,90,900/- is payable within a year from 29.03.2004. It is stated that as the remaining balance amount has not been paid, the petitioner continues to be the owner of the property in question. It is further stated that the respondents 1 to 2, at the instance of respondents 3 to 5, in whose favour the agreement of sale was executed, illegally calling upon the petitioner to the police station and making him to sit in the police station without any justification whatsoever.

Without there being any complaint/report against the petitioner, the police cannot interfere with his personal life and liberty.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents
1 and 2 not to interfere with the personal life and liberty of the petitioner, without thereby being any report/complaint filed by respondents 3 to 5 or any person. However, it is left open for the respondents 1 and 2 to register a case, if any complaint/report is filed against the petitioner and if the allegations in the complaint made out prima facie case of cognizable offence, and investigate into, in accordance with law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 23.11.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr